

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1589

H.P. 1034

House of Representatives, April 11, 2023

**Resolve, Directing the Department of Education to Adopt Rules
Prohibiting Teachers in Public Schools from Engaging in Political,
Ideological and Religious Advocacy in the Classroom**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SMITH of Palermo.
Cosponsored by Representatives: BAGSHAW of Windham, FREDERICKS of Sanford,
GRIFFIN of Levant, HENDERSON of Rumford, RUDNICKI of Fairfield, SOBOLESKI of
Phillips, WHITE of Guilford.

1 **Preamble. Whereas,** the purpose of public education in America is to produce
2 knowledgeable and competent adults able to participate as informed citizens in the
3 democratic process; and

4 **Whereas,** education in a democracy is best served by teaching students how to think,
5 not telling them what to think; and

6 **Whereas,** our country is divided over many issues affecting its citizens; and

7 **Whereas,** it has been established through surveys that a majority of kindergarten to
8 grade 12 teachers discuss controversial issues in their classrooms; and

9 **Whereas,** it has been established that some teacher training institutions, teacher
10 licensing agencies, state education departments and professional teacher organizations
11 have condoned and even encouraged this behavior under the guise of "teaching for social
12 justice" and other sectarian doctrines; and

13 **Whereas,** time spent on political or ideological indoctrination takes time away from
14 instruction in the academic subjects taught by public educational institutions including the
15 foundational subjects of mathematics, science, English, history and civics and prevents
16 students from receiving the best possible public education as funded by the taxpayers of
17 the State; and

18 **Whereas,** parents and taxpayers have a right to expect that taxpayer resources will be
19 spent on education, not political or ideological indoctrination; now, therefore, be it

20 **Sec. 1. State Board of Education to adopt rules prohibiting teachers in**
21 **public schools from engaging in political, ideological or religious advocacy in**
22 **the classroom. Resolved:** That the State Board of Education shall adopt rules
23 prohibiting teachers in public schools from engaging in political, ideological or religious
24 advocacy in the classroom. Rules adopted under this resolve must be clear and provide
25 enforcement mechanisms for appropriate and professional ethical behavior by teachers
26 licensed in the State in tax-supported schools to prohibit teachers from using the classroom
27 to engage in political, ideological or religious advocacy.

28 **Sec. 2. Rules criteria. Resolved:** That the rules adopted under section 1 must
29 prohibit a teacher in a public school during class time or while otherwise operating within
30 the scope of employment as a teacher from doing the following:

31 1. Endorsing, supporting or opposing any candidate or nominee for public office or
32 any elected or appointed official regardless of whether the official is a member of the local,
33 state or federal government;

34 2. Endorsing, supporting or opposing any pending, proposed or enacted legislation or
35 regulation regardless of whether the legislation or regulation is pending or proposed or has
36 been enacted at the local, state or federal level;

37 3. Endorsing, supporting or opposing any pending, proposed or decided court case or
38 judicial action regardless of whether the court case or judicial action is at the local, state or
39 federal level;

40 4. Endorsing, supporting or opposing any pending, proposed or executed executive
41 action by an executive or executive branch agency at the local, state or federal level;

1 5. Introducing any controversial issue that is not germane to the topic of the course
2 being taught;

3 6. Endorsing, supporting or engaging in any activity that hampers or impedes the
4 lawful access of a military recruiter to the school campus;

5 7. Endorsing, supporting or engaging in any activity that hampers or impedes the
6 actions of local, state or federal law enforcement;

7 8. Advocating in a partisan manner for any side of a controversial issue; the rules must
8 require a teacher to provide students with materials supporting both sides of a controversial
9 issue being addressed and to present both sides in a fair-minded, nonpartisan manner; or

10 9. Segregating students according to race or singling out one racial group of students
11 as responsible for the suffering or inequities experienced by another racial group of
12 students.

13 For purposes of this section, "controversial issue" means an issue that is a point made
14 in the most recent electoral party platform of any party that is qualified for the ballot at the
15 state or federal level.

16 **Sec. 3. Violations; notice; training. Resolved:** That rules adopted under section
17 1 must contain clear guidelines for enforcement and provide penalties for violations up to
18 and including termination. The State Board of Education shall provide written notice to all
19 affected teachers, parents and students of their respective rights and responsibilities under
20 the rules and shall provide at least 3 hours of annual continuing teacher education to
21 affected teachers to instruct the teachers in the teacher responsibilities required by the rules.

22 **Sec. 4. Voluntary adoption of educator's code of ethics. Resolved:** That the
23 Department of Education shall request all state professional teacher organizations and
24 unions to voluntarily adopt an educator's code of ethics and professional responsibility that
25 incorporates the rules adopted under section 1 and that specifically prohibits teachers in
26 kindergarten to grade 12 instruction from using the classroom for political indoctrination.

27 **Sec. 5. Major substantive rules. Resolved:** That rules adopted under section 1
28 are major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375,
29 subchapter 2-A.

30 **Sec. 6. Committee required to report out legislation. Resolved:** That on
31 review of the rules adopted under section 1, the joint standing committee of the Legislature
32 having jurisdiction over education and cultural affairs shall report out legislation to
33 incorporate the rule-making authority of the State Board of Education authorized by this
34 resolve into the Maine Revised Statutes.

35 SUMMARY

36 This resolve directs the State Board of Education to adopt major substantive rules
37 prohibiting teachers in public schools from engaging in political, religious or ideological
38 advocacy in the classroom or from introducing any controversial subject matter that is not
39 germane to the topic of the course being taught, with penalties for violations up to and
40 including termination of the teacher. This resolve requires the State Board of Education to
41 provide written notice of the rules to all affected teachers, parents and students and for
42 teachers to receive annually at least 3 hours of continuing teacher education to instruct the

1 teachers on the rules. This resolve directs the Department of Education to request
2 professional teacher organizations and unions to voluntarily adopt an educator's code of
3 ethics and professional responsibility that incorporates the rules and that specifically
4 prohibits teachers in kindergarten to grade 12 instruction from using the classroom for
5 political indoctrination. The resolve requires the joint standing committee of the
6 Legislature having jurisdiction over education and cultural affairs to report out legislation
7 to incorporate the rulemaking described in this resolve into statute.